



An
Bord
Pleanála

Inspector's Report

ABP-308355-20

Development	Construction of a dormer extension to rear of dwelling, widening of front driveway entrance, adjustments to front wall, gate and railings
Location	9, Rosemount Avenue, Artane, D 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1469/20
Applicant(s)	Sarah Caprani
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Conditions
Appellant(s)	Sarah Caprani
Observer(s)	None
Date of Site Inspection	22 nd January 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 289 m² and is located at No. 9 Rosemount Avenue, Artane, Dublin 5. The existing property is a 2-storey, mid-terrace dwelling with off-street car parking to the front and a rear garden of approx. 24 m in length. A laneway runs along the rear (south-west) property boundary, which is accessed via Brookwood Rise to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of a dormer extension to the rear of the existing dwelling to allow for the conversion of the attic space to habitable space (bedroom and en-suite), the widening of the front driveway entrance and adjustments to the front wall, gate and railings.
- 2.2. The proposed dormer extension is centrally located on the rear roof plane. It is set below the existing ridge level, above the eaves level and is set-back from the neighbouring properties by 1m on either side. The dormer has a width of c. 4.1 m and is proposed to be clad in zinc.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 9 no. conditions issued on 14th September 2020.
- 3.1.2. Condition nos. 2 (a), (c) and (d) require the following:
 - (a) "The rear dormer extension shall not constitute more than 50% of the width of the rear roof plane;
 - (c) The window within the dormer extension shall be no larger than the largest existing window at first floor level to the rear of the dwelling and shall be of the same proportion;

(d) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning and Development Act 2000 (as amended).

Reason: In the interest of visual and residential amenity”.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Dublin City Council’s Planning Officer considered that the scale of the rear dormer structure was excessive and that it would have an overly dominant appearance on the rear roof plane. As such, it was considered that the dormer extension should not constitute more than 50% of the rear roof plane. It was further noted that the dormer window was larger than the existing 1st floor windows and that the proposed window should be reduced in size to match the existing.

3.2.3. **Other Technical Reports**

3.2.4. **Transportation Planning Division:** No objection to the proposed development subject to conditions, including a recommendation to reduce the proposed vehicular entrance to 3 m in width.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No response received.

3.3.2. **Irish Rail:** No response received.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. None.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective, “to protect, provide and improve residential amenities”. Residential land uses are permissible under this zoning objective.

5.3. Alterations and Extensions

- 5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- 5.3.2. Further guidance in relation to dormer extensions is set out in Section 17.11 of Appendix 17. When extending the roof, the following principles should be applied:
- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building;
 - Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible;
 - Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors;
 - Roof materials should be covered in materials that match or complement the main building;
 - Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

5.4. Sustainable Building Design

- 5.4.1. Section 5.5.3 of the development plan states that Dublin City Council will support a sustainable approach to housing development, by promoting high standards of energy efficiency in all housing developments and promoting improvements to the environmental performance of buildings, including the use of renewable energy.
- 5.4.2. **Policy QH12:** To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the development plan.

5.5. Natural Heritage Designations

- 5.5.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged by RW Nolan & Associates on behalf of the applicant, which relates to Condition no. 2 (a), (c) and (d) of the Planning Authority's Notification of the Decision to Grant Permission only. The grounds of appeal can be summarised as follows:
- The requirement to reduce the size of the dormer window would seriously alter the functionality of the new space, while providing little noticeable difference when viewed from street level;
 - The dormer extension as proposed has been designed to maximise usable, high quality internal space, while having a minimal external visual impact;
 - The dormer relates to the rear of a mid-terrace dwelling, which is not visible from Rosemount Avenue, and as such, will not impact on the character of the streetscape;

- The development will be visible from the rear laneway and intermittently from Brookwood Rise. Dark cladding is proposed to help assimilate the development, which will not detract from the character of the area;
- A significant number of similar developments have been permitted in the area;
- The window in the dormer will serve the proposed bedroom and provide ventilation for the en-suite, while maximising natural light to the extension. No overlooking issues will arise, given the 56 m separation distance between the 1st floor windows and those to the rear at Brookwood Avenue;
- While the window is marginally larger than those at 1st floor level, it will have no material impact on the residential amenity of the area;
- The requirement to de-exempt solar panels from the rear roof plane under Condition No. 2 (d) is wholly unnecessary and contrary to national, regional and local planning policy which seeks to encourage renewable energy production;
- Notwithstanding the foregoing, it is submitted that a revised condition which requires that any future solar installation shall not exceed the roof ridge height would be an appropriate alternative condition.

6.2. Planning Authority Response

6.2.1. None received.

7.0 Assessment

- 7.1.1. This is a first party appeal against Condition Nos. 2 (a), (c) and (d) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition Nos. 2 (a) and (c) require the size of the dormer extension and window to be reduced, while Condition No. 2 (d) requires that the rear dormer shall not accommodate solar panels, whether or not, they would constitute exempted development.
- 7.1.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to Nos. 2 (a), (c) and (d) only.

Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

- 7.1.3. In recommending the modifications which are required to the proposed dormer structure under Condition Nos. 2 (a) and (c), Dublin City Council's Planning Officer considered that the dormer was excessive in scale and would be a dominant feature on the rear roof plane. It was also considered that the size of the dormer window should be reduced to be no larger than the largest window at 1st floor level.
- 7.1.4. The development plan policy in relation to dormer extensions states that this form of development should be subordinate to the roof slope, enabling a large proportion of the original roof to remain visible. Dormer windows should be set back from the eaves level to reduce their visual impact and the potential for overlooking. In addition, the design of the dormer should reflect the character of the area and subject building, while the window, roof materials and design should complement that of the existing.
- 7.1.5. In my opinion, the proposed dormer structure would be acceptable at this location, having regard to its location on the rear roof plane, the absence of street level views of the development from Rosemount Avenue and the marginal extent of its visibility from Brookwood Rise to the south. In reaching this conclusion, I note that the dormer structure sits below the existing ridge level and above the eaves. In my opinion, the original roof profile will remain legible, notwithstanding the addition of the proposed development.
- 7.1.6. While I acknowledge that the dormer window is larger than the existing 1st floor windows below, in my opinion, it would be acceptable having regard to the considerable separation distance which arises to the opposing dwellings at Brookwood Avenue to the south-west of the site. I further consider that it would be sympathetic to the style of the existing windows on the rear elevation.
- 7.1.7. I further note that the dwelling is not subject to any conservation or Protected Structure designations which would prohibit the alterations as proposed. The site is zoned for residential purposes (Z1), and in my opinion, the proposed development should be facilitated to enable older dwellings such as these, to be improved to meet

modern living requirements. As such, I consider that the Planning Authority should be directed to omit Condition Nos. 2 (a) and (c).

- 7.1.8. I also consider that the requirements of Condition No. 2 (d), which restrict the rear dormer from accommodating solar panels, is unreasonable. In this regard, I note that no justification or discussion concerning the application of this condition is provided in the Planning Officer's report. I further note that Policy QH12 of the development plan seeks, inter alia, to promote more sustainable development through the increased use of renewable energy. Having regard to the foregoing, I consider that the Planning Authority should be directed to omit Condition No. 2 (d).
- 7.1.9. I note that the appellant's agent has suggested that Condition No. 2 (d) could be modified to require that any future solar panel installation should not exceed the existing ridge height. In my opinion, this would not be appropriate in this instance given that any such future development would be required to comply with Class 2 (c) of the Planning and Development Regulations, 2001 (as amended) concerning the installation of solar panels as exempted development, or alternatively, be progressed by way of a separate planning application.
- 7.1.10. In conclusion, I am satisfied that the application of Condition Nos. 2 (a), (c) and (d) by the Planning Authority is unnecessary and unreasonable in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject site and to improve the environmental performance of the dwelling. I am further satisfied that the proposed dormer extension would have a negligible visual impact on the existing dwelling and the character of the streetscape and would not set a precedent. In my opinion, the Planning Authority should be directed to omit these conditions of the permission.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, comprising minor design alterations to an existing dwelling, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1.1. I recommend that the Planning Authority be directed to omit Condition Nos. 2 (a), (c) and (d) for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Z1 residential land use zoning of the site, the nature, scale and location of the proposed development on the rear roof plane of the existing dwelling, and Policy QH12 of the Dublin City Development Plan 2016-2022, which seeks, inter alia, to promote more sustainable development through the increased use of renewable energy, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition Nos. 2 (a), (c) and (d) are not warranted, and that the proposed development, with the omission of these conditions, would have no significant negative visual impact on the dwelling or the streetscape and would have no negative impact on the future development of the subject site. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

26th January 2021